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WASHINGTON DC 20005

In re Application of :
PUHAKKA et al. :
Application No.: 10/532,119 :
PCT No.: PCT/GB03/04635 :
Int. Filing Date: 27 October 2003 : DECISION
Priority Date: 25 October 2002 :
Attorney Docket No.: 12763/48401 :
For: CIRCUIT SUBSTRATE AND METHOD :

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 05 April 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 October 2003, applicants filed international application PCT/GB03/04635, which designated the United States and claims a priority date of 25 October 2002. A copy of the international application was communicated from the International Bureau to the USPTO on 06 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 April 2005.

On 21 April 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 06 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

On 05 April 2006, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a statement of facts by Heather McCann, a copy of a letter from Heather McCann to the nonsigning joint inventor Iain Benson, a declaration of inventors, and the required surcharge.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As to item (1), the petition fee of \$200 has been charged to Deposited Account 11-0600. Accordingly, item (1) has been met.

Item (2) has been met as well.

As to item (3), a clear statement of the last known address of Mr. Benson has not been provided.

Item (4) has not been met. The declaration of inventors filed 05 April 2006 is not in compliance with 37 CFR 1.497(a)-(b). The declaration must identify all of the inventors including any nonsigning inventors.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response, must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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On 30 June 2006, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that a clear statement of the last known address of Mr. Benson had not been provided and that the declaration must identify all of the inventors including any nonsigning inventors.

On 23 June 2006, applicants submitted the instant renewed petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, two declarations of inventors.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 30 June 2006, items (1) and (2) have been satisfied.

Item (3) has now been satisfied as well.

Item (4) still has not been satisfied. Two declarations of inventors accompany the 23 June 2006 submission. Neither is in compliance with 37 CFR 1.497(a)-(b). Each declaration only lists one inventor. However, each declaration must list each inventor including any nonsigning inventors. A declaration listing all inventors and signed by all inventors except for the non-signing inventor must be provided. The declaration must meet all other requirements of 37 CFR 1.497(a)-(b) as well.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response, must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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